

RAYMOND M. BILY, ESQUIRE  
REIFF AND BILY  
Identification No. 44677  
1429 Walnut Street  
12th Floor  
Philadelphia, Pa. 19102  
215) 246-9000

ATTORNEY FOR PLAINTIFF

KATHERINE ELIZABETH NEIMER, a minor	:	
by and through JAMES J. NEIMER and	:	
REBECCA NEIMER, her parents and natural guardians	:	
	:	EASTERN DISTRICT OF PENNSYLVANIA
	:	
vs.	:	
	:	
LANCASTER SCHOOL DISTRICT; CITY OF	:	CIVIL ACTION NO. 02-CV-4034
LANCASTER; LANCASTER RECREATION	:	HONORABLE CLARENCE C. NEWCOMER
COMMISSION; VICKI PHILLIPS, Individually	:	
and in her capacity as Superintendent of the	:	
Lancaster School District; GLORIA CAMPBELL,	:	
Individually and in her capacity as building principal	:	JURY TRIAL DEMANDED
of Hamilton elementary School; ISMAEL ALVAREZ	:	
and DONALD YEAGER, Individually and in his	:	
capacity as Director of the Lancaster County	:	
Recreation Commission's School Age Care Program	:	

**PLAINTIFFS' REPLY BRIEF TO  
THE OPPOSITION OF THE SCHOOL DISTRICT OF LANCASTER,  
VICKI PHILLIPS, AND GLORIA CAMPBELL TO PLAINTIFFS' MOTIONS  
FOR RECONSIDERATION PURSUANT TO FED. R. CIV. P 60(b)(6),  
LEAVE TO AMEND COMPLAINT PURSUANT TO FED. R. CIV. P. 15 (a),  
AND LEAVE TO REJOIN PARTIES PURSUANT TO FED.R.CIV.P. 19(a)(1)**

The Plaintiff, Katherine Elizabeth Neimer, a minor, by and through James J. Neimer and Rebecca Neimer, her parents and natural guardians, by and through her counsel, Raymond M. Bily, Esquire, respectfully submit this Reply Brief to The Opposition of The School District of Lancaster, Vicki Phillips, and Gloria Campbell to Plaintiffs' Motions For Reconsideration Pursuant to Fed. R. Civ. P. 60(b)(6), Leave to Amend Complaint Pursuant to Fed. R. Civ. P. 15 (a), and Leave to Rejoin Parties Pursuant to Fed. R. Civ. P. 19(a)(1) as follows:

1. Office of District Attorney, County of Lancaster, Pennsylvania.

2. Telephone inquiry.
3. Direct observations by eyewitnesses (seven persons employed by City of Lancaster School District) identified in Plaintiff's Motion, Paragraph 7(a)-(g) of defendant Alvarez continuous offensive sexual conduct during relevant time period for up to one and one-half years in advance of the sexual assault upon the body of nine year old minor Katherine Elizabeth Niemer.

This information in support of Katherine Niemer's case was not received or retrieved during the normal course of discovery. Importantly, neither the identification of the persons identified in Paragraphs 7(a)-(g) nor the mention that they had highly relevant testimony from no less than seven eyewitnesses was provided by the defendants or previous defendants in discovery or voluntary disclosure in accord with Local Rule 26.1 (a) For prior counsel to pursue. Luckily, plaintiffs' new counsel obtained the information from an independent third party entity outside of the normal course of discovery. At no time did plaintiff's counsel obtain the information from the responding defendant's or prior defendants.

Respectfully submitted,

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RAYMOND M. BILY,  
Attorney for Plaintiffs

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recreation Commission's School Age Care Program	:	

**CERTIFICATE OF SERVICE**

I, Raymond M. Bily, Esquire, hereby certify that a true and correct copy of the foregoing Reply Brief has been served this date upon al interested counsel by way of United States First Class Mail, postage prepaid, addressed as follows:

Paul F. Lantieri, Esquire  
Bennett, Bricklin & Saltzburg, LP  
Liberty Place  
313 West Liberty Street, Suite 371  
Lancaster, PA 17603  
(Counsel for Defendants, City of Lancaster,  
Lancaster Recreation Commission and Donald Yeager)

Christopher S. Underhill, Esquire  
Hartman, Underhill & Brubaker, LLP  
221 East Chestnut Street  
Lancaster, PA 17602  
(Counsel for Defendants, City of Lancaster,  
Lancaster Recreation Commission)

Maura E. Fay, Esquire  
Dilworth Paxson, LLP  
3200 Mellon Center  
1735 Market Street  
Philadelphia, PA 19103-7599  
(Counsel for Lancaster School District,  
Vicki Phillips and Gloria Campbell)

Edward H. Rubenstone, Esquire  
Groen, Lamm, Goldberg & Rubenstone, LLC  
Four Greenwood Square, Suite 200  
Bensalem, PA 19020  
(Counsel for Defendant, Ismael Alvarez)

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RAYMOND M. BILY, ESQUIRE

Dated: October 22, 2003